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Via Email

Hon. Sarah Netburn
United States Magistrate Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Frank Hogan v. Metropolitan Life Insurance Company*

Civil Action No.: CV-13-0439(AJN)

Our File No.: 00584-007718

Dear Judge Netburn:

This office represents defendant Metropolitan Life Insurance Company ("MetLife") in the above-referenced matter.

We are writing for some guidance in connection with Your Honor's Order dated April 1, 2013, requiring the parties to contact the Court to schedule a settlement conference prior to May 31, 2013. Specifically, we request that the MetLife representative with knowledge and settlement authority in this matter be permitted to participate in the aforementioned settlement conference via telephone. Although I will appear at the settlement conference in person, my client's availability is limited due to work obligations, which will make it very difficult to schedule a mutually agreeable date for the settlement conference. Nevertheless, she can easily make herself available for a telephone conference. Please be advised that MetLife's appearance by telephone will in no way effect its good faith effort to engage in meaningful settlement discussions. Plaintiff consents to MetLife's request to participate in the settlement conference via telephone.

Thank you for your consideration of this matter.

Respectfully submitted,



Michael H. Bernstein
Sedgwick LLP

cc: Plaintiff's counsel (*via email*)

Defendant MetLife has not provided any explanation (beyond quotidian work obligations) for why a representative of the company with full settlement authority should be exempt from the Court's rules for settlement conferences and the requirement that parties appear in person. Accordingly, the application for such representative to appear by phone is DENIED. The parties are encouraged, however, to engage in settlement negotiations independently, which may result in a settlement before the need to appear in court arises.

Parties are reminded that, pursuant to Judge Nathan's March 29, 2013 Order, they are encouraged to meet with me for a settlement conference before May 31, 2013. Parties are directed to contact my chambers (212-805-0286) as soon as possible to schedule this conference. Should the parties achieve a settlement independently, they may request an adjournment of such conference.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

New York, New York

May 1, 2013